

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

<i>In re</i>	:	Chapter 11
FTX TRADING LTD., <i>et al.</i> , ¹	:	Case No. 22-11068 (JTD)
Debtors.	:	(Jointly Administered)
	:	Re: D.I. 176 & 7301
	:	

**NOTICE OF SUBMISSION OF PROPOSED FORM OF ORDER
DIRECTING THE U.S. TRUSTEE TO APPOINT AN EXAMINER**

PLEASE TAKE NOTICE that Andrew R. Vara, United States Trustee for Regions 3 & 9 (the “U.S. Trustee”), through his counsel, hereby submits a proposed form of order directing the U.S. Trustee to appoint an examiner in these cases pursuant to 11 U.S.C. § 1104(c)(2), in accordance with the directive of the United States Court of Appeals for the Third Circuit.

PLEASE TAKE FURTHER NOTICE THAT:

1. On December 1, 2022, the U.S. Trustee filed the *Motion of the United States Trustee for Entry of an Order Directing the Appointment of an Examiner* [D.I. 176] (the “Examiner Motion”).
2. On February 21, 2023, the Bankruptcy Court entered the *Order Denying Motion for the Appointment of an Examiner* [D.I. 746] (the “Examiner Order”).
3. On March 6, 2023, the U.S. Trustee filed a notice of appeal of the Examiner Order [D.I. 805].

The last four digits of FTX Trading Ltd.'s and Alameda Research LLC's tax identification number are 3288 and 4063 respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.ra.kroll.com/FTX>. The principal place of business of Debtor Emergent Fidelity Technologies Ltd is Unit 3B, Bryson's Commercial Complex, Friars Hill Road, St. John's, Antigua and Barbuda.

4. On January 19, 2024, the Third Circuit issued its opinion and entered judgment in the matter of *In re FTX Trading Ltd., et al.* [Case No. 23-2297 (3d Cir.); D.I. 66, 67]. The opinion is reported at *In re FTX Trading Ltd.*, 91 F.4th 148 (3d Cir. 2024). The Third Circuit remanded the matter “with instructions to order the appointment of an examiner under 11 U.S.C. § 1104(c)(2).”

5. On January 22, 2024, the U.S. Trustee filed the *United States Trustee’s Notice of Disposition of Appeal Pursuant to Local Rule 8024-1* [Bankr. D.I. 6117].

6. On January 31, 2024, the Debtors filed a *Joint Uncontested Motion To Shorten Time for Issuance of Mandate* [Case No. 23-1197 (3d Cir.); D.I. 68].

7. On February 12, 2024, the Third Circuit issued its mandate pursuant to Federal Rule of Appellate Procedure 41 [Case No. 23-2297 (3d Cir.); D.I. 69]. The mandate appears on the Bankruptcy Court’s docket at D.I. 7301.

8. On February 13, 2024, counsel for the U.S. Trustee circulated a proposed form of order directing the appointment of an examiner to the Debtors, the Official Committee, the JOLs, and the Ad Hoc Committee of Non-US Customers of FTX.com (the “Ad Hoc Committee”). Debtors’ counsel advised that they did not agree to the form of order. In response to one/more comments made by the Debtors, the U.S. Trustee added the following provision to the proposed form of order: “The scope, cost, degree, and duration of the examination shall be considered on notice to parties in interest at the appointment hearing, together with the application to appoint the examiner.” Counsel for the U.S. Trustee received no response from the Debtors regarding this addition. The U.S. Trustee received no response from the Official Committee, the JOLs, or the Ad Hoc Committee to either version of the proposed form of order.

9. The U.S. Trustee respectfully requests that the form of order attached hereto as **Exhibit A** be entered by the Court without notice or a hearing in order to effectuate the

Third Circuit's mandate. The order is consistent with 11 U.S.C. § 1104(d) and allows the U.S. Trustee to proceed with the examiner appointment process.

PLEASE TAKE FURTHER NOTICE that, to the extent the Court believes the proposed form of order requires discussion, the U.S. Trustee hereby requests a status conference at the February 22, 2024 hearing scheduled in these cases.

Dated: Wilmington, Delaware
February 20, 2024

Respectfully submitted,

ANDREW R. VARA
UNITED STATES TRUSTEE
REGIONS 3 AND 9

By: /s/ Benjamin Hackman
Benjamin A. Hackman
Linda Richenderfer (DE #4138)
Jonathan W. Lipshie
Trial Attorneys
Office of the United States Trustee
J. Caleb Boggs Federal Building
844 King Street, Suite 2207, Lockbox 35
Wilmington, DE 19801
(302) 573-6491
benjamin.a.hackman@usdoj.gov
linda.richenderfer@usdoj.gov
jon.lipshie@usdoj.gov